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1 A Um-hm.
 2 Q Is that a yes?
 3 MS HARRIS: Yes.
 4 MR. ROACH: Okay. I'd like to mark
 5 that, please, as Exhibit 81.
 6 A I'm sorry, which one, dated what?
 7 Q Do you see the November 2000 order?
 8 A Yes, I have it.
 9 MR. ROACH: I'd like to mark it as
 10 Exhibit 81.
 11 (Document marked as Exhibit No. 81.)
 12 Q And I noticed on Exhibit 81 there's one
 13 name, Kevin Jones, he was transferred out of the
 14 Youth Violence Strike Force?
 15 A Correct.
 16 Q And where did he go?
 17 A He went to the Drug Control Unit at
 18 District 5.
 19 Q Okay. And why did he transfer out?
 20 A He did not transfer, he was selected by
 21 someone in the drug unit to go there. He's
 22 another excellent police officer who had an
 23 opportunity to go to the Drug Control Unit. I had
 24 no involvement in that, but he did get transferred

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1 to the drug unit.
 2 Q At his request?
 3 A That, I don't know.
 4 Q Okay. Were you -- strike that.
 5 In January of 2001 do you remember
 6 Michelle Williams, Officer Michelle Williams?
 7 A I certainly do.
 8 Q Do you have any knowledge as to how it
 9 was decided who she would ride with, in which
 10 cruiser she would ride with, who she would ride
 11 with?
 12 A No, I don't have any direct knowledge,
 13 no.
 14 Q Was she white?
 15 A She is a white female.
 16 Q Do you know any knowledge that she knew
 17 Steve Horne before she came to Youth Violence
 18 Strike Force?
 19 A I have no knowledge of that.
 20 Q Do you have any understanding as to
 21 whether she had planned to ride with Steve Horne
 22 and/or Ron Brown but was dissuaded from doing so
 23 by some of the white officers?
 24 A I have absolutely no knowledge. That's

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1 the first time I've ever heard that accusation.
 2 Q Do you remember having a conversation
 3 with Officer Chris Bailey about Michelle Williams
 4 and who she would ride with?
 5 A I'm sure I've had a conversation with
 6 all officers as to who they should ride with,
 7 because my policy was that people should ride with
 8 whom they want to ride with if I was to get the
 9 most productivity out of them. So I'm sure I've
 10 had some conversations. Do I remember
 11 specifically that conversation? No.
 12 Q When you were at the Youth Violence
 13 Strike Force, is it fair to say that the white
 14 officers -- the minority officers rode together
 15 and the white officers rode together?
 16 MS. HARRIS: I'm going to object
 17 just to the retread. This is --
 18 A My policy was that people could ride
 19 with whomever they requested to ride with.
 20 Because if they were riding together with people
 21 they wanted to work with, their productivity would
 22 be greater. So that was my policy, that if they
 23 wanted to team up with somebody, I will allow
 24 that.

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1 Q Okay. But my question is: Is it your
 2 memory that the white officers rode generally with
 3 the white officers and the minority and black
 4 officers rode with each other in the Youth
 5 Violence Strike Force?
 6 A My response would be those officers rode
 7 with whom they requested to ride with.
 8 Q No, I understand that, but I'm just
 9 asking --
 10 A There were some all black, some all
 11 white, and some that were white and black --
 12 Q Which ones?
 13 A -- but they rode with whom they wanted
 14 to ride with.
 15 Q Which ones were both?
 16 A I don't recall. I'd have to have a list
 17 of all the officers who worked in the Gang Unit
 18 while I was the commander, and I'd be happy to
 19 identify them.
 20 Q What about the day unit?
 21 A I set the policy of the unit, and my
 22 policy was that people could ride with whomever
 23 they so choose. They would pick their partners.
 24 Q Okay. Well, let me show you a list.

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1 MS. HARRIS: And, again, I'm just
2 going to object for the asked and answered, and we
3 will go at 5:00.

4 MR. ROACH: Okay. Well, let me do
5 this then, let's short-circuit this. Will you
6 adopt the prior testimony of others on this
7 subject?

8 MS. HARRIS: Yes.

9 MR. ROACH: And attribute it to
10 Mr. --

11 MS. HARRIS: The city, yes.

12 MR. ROACH: Fine. I'll move on.

13 MS. HARRIS: Good.

14 Q Do you recall any meetings over racial
15 issues within the Youth Violence Strike Force
16 either at the -- I believe it's the Hyde Park
17 station near the Hyde Park American Legion Post or
18 in area D-4 at Park Station?

19 MS. HARRIS: I'm going to object
20 again to this being asked and answered with this
21 witness.

22 MR. ROACH: I don't think I've --

23 THE WITNESS: We did talk about it,
24 but I'll be happy to talk about it again.

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1 MS. HARRIS: He did, I swear.

2 MR. ROACH: Hang on a minute.

3 Off the record.

4 (Off record.)

5 Q Do you remember any meetings with the
6 entire Gang Unit over any racial tension issues
7 that had been raised and that the plaintiffs were
8 part of at the American Legion Station area, I
9 think it's in area E-18?

10 A As I stated earlier, I arrived at the
11 Gang Unit after some of these racial tension
12 issues had been brought to the surface, and I was
13 not privy or part to any of that. However,
14 shortly after I returned to the Gang Unit, I did
15 attend a meeting at the Boston Police American
16 Legion Post, and that was the only meeting that I
17 attended dealing with racial issues, and I pretty
18 much sat in the background because I was
19 relatively new. When I say new, I had just
20 arrived back at the Gang Unit a short time
21 earlier. The actual meeting was run by others,
22 not me.

23 Q Do you remember who ran the meeting?

24 A I honestly don't.

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1 Q Do you remember who was there?

2 A I think everyone from the Gang Unit was
3 there. Dowd was there, I believe. I honestly
4 don't remember. I know all of the Gang officers
5 were there, and there were one or two others, I
6 don't recall who.

7 Q Were Davin and Bulman there?

8 A Oh, absolutely. They were part of the
9 Gang Unit.

10 Q Do you remember anything that was said
11 at the meeting?

12 A Again, that was really the first I was
13 made aware of what had taken place prior to my
14 arrival. So I basically just listened, and I
15 don't recall who said what because it was all new
16 to me.

17 Q Did you have any conversations with
18 Davin and Bulman about this at any time?

19 A I may have but I honestly don't recall.

20 Q So you don't recall any discussions with
21 Davin or Bulman about any racial tension issues
22 within the unit?

23 A I may have, but I honestly don't recall.

24 I mean, I suspect I had some conversations because

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1 I was not there when all of this transpired, but I
2 don't recall with who or what was said.

3 Q It's my understanding you became the
4 commander of the Youth Violence Strike Force, the
5 overall commander succeeding French around May of
6 2000; is that correct?

7 A Correct.

8 Q Okay. Did you ever sit down with Davin
9 or Bulman or any of the supervisors and talk about
10 this issue at all, the racial tension issue?

11 A After I took command again, yes.

12 Q When did you first meet with them?

13 A I don't recall.

14 Q What did you say in this meeting with
15 them?

16 A Again, I don't recall the specifics.

17 The first thing I did was asked permission to have
18 a training day so that we could all get together
19 and go over -- kind of try to rebuild the --
20 improve the atmosphere in the Gang Unit and move
21 on, so to speak.

22 Q You said a training day. Who did the
23 training?

24 A It's a collective term in order to

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1 justify bringing everybody in, days, nights, days
 2 off, on vacation, in order to bring everybody in
 3 it was considered a training day.
 4 Q And what did you do in this training
 5 day?
 6 A I don't remember the specifics. I know
 7 we had -- I brought -- I brought some people in.
 8 I actually brought the Nation of Islam in, because
 9 I knew there was some racial issues in the past.
 10 The commissioner spoke at the beginning of the
 11 meeting. Then we did -- you know, obviously we
 12 had some training issues.
 13 Q This is Commissioner Evans?
 14 A Correct.
 15 Q Was Joan Sweeney at this meeting?
 16 A She may have been. I don't honestly
 17 recall.
 18 Q What did Commissioner Evans say when he
 19 was there?
 20 A I have absolutely no recollection.
 21 Q Was Joyce there?
 22 A Yes, he was.
 23 Q Did he speak at the meeting?
 24 A He did.

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1 Q What did he say?
 2 A I don't recall.
 3 Q Where was this meeting held again?
 4 A It was in a function hall at the Park
 5 Plaza Hotel.
 6 Q Okay. So it wasn't the Copley; it was
 7 the Park Plaza?
 8 A Correct.
 9 Q And was anybody from the NAACP there?
 10 A Not that I recall. As I said, I did
 11 invite the Nation of Islam.
 12 Q Who was there representing them?
 13 A I don't recall.
 14 Q Was Lieutenant French there?
 15 A I doubt it.
 16 Q Why?
 17 A I don't honestly recall, but because he
 18 was no longer the commander.
 19 Q I may have asked you this. Were Bulman
 20 and Davin there?
 21 A All Youth Violence Strike Force
 22 personnel were there, all of them, including
 23 Bulman and Davin.
 24 Q What about Dowd?

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1 A I don't recall.
 2 Q Do you know if Horne or Brown spoke at
 3 this meeting?
 4 A They may have. We had several open dis
 5 -- which meeting, are you talking about the Park
 6 Plaza or --
 7 Q Yes, the Park Plaza meeting.
 8 A They may have. It was an open
 9 discussion on a lot of different issues, but I
 10 don't recall specifically.
 11 Q Do you remember them speaking at the
 12 earlier American Legion meeting?
 13 A Again, I -- I was not involved in all of
 14 the issues leading up to that, and I don't recall
 15 who said what.
 16 Q Before you had this meeting at the Park
 17 Plaza, did you have a meeting with Commissioner
 18 Evans and other members of the command staff about
 19 the need to have the meeting?
 20 A Which meeting?
 21 Q The Park Plaza.
 22 A No, that was my choice as a new
 23 commander. I had no discussion with anyone above
 24 me.

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1 Q And what is your memory as to how the
 2 meeting resolved or ended?
 3 A I thought it was very productive. I
 4 don't know how objective I am, since I organized
 5 the meeting. But I thought it was very
 6 productive. I thought -- kicking off a new era,
 7 if you will, in the Gang Unit, the Youth Violence
 8 Strike Force, trying to forget what had happened
 9 and move on.
 10 Q When you say a new era, what do you mean
 11 by that?
 12 A Well, the racial tension that allegedly
 13 had taken place, again, prior to my arrival, and
 14 some of the issues that were brought up during
 15 that time period, and I was under the impression
 16 that it had been resolved with most, if not all,
 17 minority officers and a new commander and I had --
 18 you know, obviously I had different styles than
 19 Gary French, I had different priorities than Gary
 20 French, and we just moved on.
 21 Q Okay. And when you said you had
 22 different priorities than Gary French, what does
 23 that mean?
 24 A Well, I have a different management

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1 style than Gary French. I'm probably less
2 tolerant than he may have been.

3 Q Less tolerant of what?

4 A I believe in a strictly paramilitary
5 organization.

6 Q In other words, you were stricter in
7 terms of people following orders?

8 A Well, I -- I would say yes.

9 Q Would you say you were stricter in terms
10 of people not exhibiting any form of racism?

11 A Abslutely.

12 Q Can you tell me any specific issues that
13 you remember being discussed at the Park Plaza
14 meeting in terms of race issues?

15 A It was primarily a training day with the
16 exception of having the Nation of Islam in. And,
17 you know, I don't remember the specifics of it,
18 no, six years ago.

19 Q Do you remember any officers complaining
20 about the fact that white officers were referring
21 to students from Dorchester High School as
22 murderers, rapists --

23 A I don't believe it was at that meeting.

24 Q Let me finish the question.

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1 Do you remember any discussion at
2 that meeting at Park Plaza of concerns about white
3 officers referring to Dorchester High students as
4 animals, criminals, rapists, and someplace they
5 wouldn't send their dog to?

6 A No.

7 Q Do you remember that being brought up in
8 any meeting?

9 A Yes.

10 Q Which one?

11 A I believe it was at the police post.

12 Q American Legion?

13 A Correct.

14 Q What do you remember about that?

15 A That -- and I don't remember who said
16 it, but that some people took offense to someone
17 saying that they wouldn't send their dog, never
18 mind their child, to Dorchester High School, and
19 that the minority officers were offended by that.

20 I also remember Detective Robert
21 Fratalia immediately took ownership of that
22 statement and qualified what he meant by that, and
23 that if anyone knows Bobby Fratalia, he's anything
24 but a racist, and he explained why he made that

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1 comment and what he meant by that comment. And I
2 was of the impression that most minority officers
3 accepted his explanation and apology if it
4 offended them.

5 Q What about the comments about murderers,
6 rapists --

7 A I don't remember that being said at all.

8 Q Do you remember any issue about officer
9 Jones being -- hearing the word "nigger" being
10 used by white officers when he was in the back
11 seat of the cruiser riding with them?

12 A I do recall that, yes.

13 Q What do you remember about that?

14 A Again, to the best of my recollection,
15 and I don't remember who it was, but someone got
16 up and explained how it happened and apologized
17 for it. I'm not sure if that was at that meeting
18 or at roll call, but I remember a scenario similar
19 to that.

20 Q Do you remember any issues coming up
21 with respect to black officers riding in cruisers
22 with blacks and other minorites and whites riding
23 with whites and the unit being segregated in that
24 sense?

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1 A I don't recall that discussion, no.

2 Q What about a T-shirt that an officer
3 found offensive, the Diallo incident, wearing a
4 T-shirt depicting a black person had been shot
5 multiple times by white New York City officers?

6 A I was there when that incident happened.

7 Q And what happened?

8 A The officer walked in -- actually, I
9 remember it was Scotty Gillis, actually, now that
10 you mention it, and he walked into roll call with
11 that T-shirt on. And because I had my back to the
12 door, I didn't see it. And I think it was Jones
13 who -- and I'm not sure of this, but I believe it
14 was Craig Jones who saw it, made a comment, and
15 then when I looked at it and saw it, you know, I
16 ordered him out of the room to take the T-shirt
17 off, which he did. And then he came back and
18 apologized for wearing it and made some sort of
19 explanation that he didn't mean to offend anybody
20 and why he had it on.

21 Q What did Jones say about it?

22 A I don't recall. I remember Jones
23 spotted it first and made some observation,
24 remark, I don't remember what it was.

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1 Q Is that all you can remember about that
2 incident?
3 A Correct.
4 Q Was that brought up at any of these
5 meetings, either American Legion or Park Plaza?
6 A No, but I do remember that I brought it
7 up at a meeting.
8 Q Which one?
9 A We had a roll call in the evening and
10 any and all black officers that were at roll call
11 after the -- I conducted the official roll call.
12 I asked all white officers to leave the room, and
13 I apologized for that. And then I had a very
14 frank discussion with the black officers,
15 explaining to them that I wasn't going to -- you
16 know, I wasn't here, nor privy to, or condoning
17 what had allegedly happened prior to that, but
18 that I wasn't going to condone that sort of
19 behavior, and that if they had any issues, address
20 them with me. And I don't -- you know, I let them
21 know basically where I was coming from and what I
22 thought about racial issues, and I thought we got
23 over it, at least as far as I was concerned.
24 Q Now, is this smaller meeting you had,

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1 was this with members of the day or the night --
2 A I honest don't recall. It would have
3 been some day people, because there was always
4 some day people doing overtime.
5 Q Was this a meeting just with black
6 officers?
7 A As I mentioned, after the official roll
8 call I asked all white officers to leave the room
9 and just black officers -- and I apologized to
10 both the white officers that I asked to leave and
11 the black officers that remained, and we went on
12 to have a discussion and --
13 Q Were Horne and Brown there at that
14 meeting?
15 A I don't honestly recall, but I know
16 Jones was there, Greg Brown was there, there were
17 a dozen or more black officers there.
18 Q Did you ever meet with the white
19 officers separately to discuss this issue or race
20 issues in general in the Youth Violence Strike
21 Force?
22 A I made it clear to them that, you know,
23 again, I wasn't aware of everything that had
24 happened, but I would not tolerate any kind of

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1 racial activity or behavior.
2 Q My question was: Did you have a
3 separate meeting with white officers like you did
4 with the black officers?
5 A I did.
6 Q When was that meeting?
7 A The same night, and, again, it wasn't
8 everybody in the unit, but, you know, a large
9 percentage of them, two-thirds of the unit.
10 Q Was this during the night shift or the
11 day shift, if you know?
12 A It would have been the night shift, and
13 as I say, there were always day people working
14 overtime, so there probably were some day officers
15 there as well.
16 Q Do you remember any of the black
17 officers speaking in this meeting that you had
18 after roll call?
19 A Yeah, we talked about, you know, what I
20 expected of them, what I would not accept from
21 anyone.
22 Q What did you say?
23 A I don't remember specifics.
24 Q Do you remember anything they said?

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1 A I beg your pardon?
2 Q Do you remember anything they said?
3 A I got the impression from their response
4 after listening to me that they were satisfied.
5 Q I know you got the --
6 A There was, you know, no complaint. I
7 asked them if there were any issues out there
8 bothering you, and I don't recall anyone stepping
9 -- saying anything specific.
10 Q So you don't remember anything specific
11 that they said?
12 A Correct.
13 Q Do you remember that they did bring up
14 some issues, though, when they met with you?
15 A I think all -- the discussions had
16 pretty much ended through Gary French's time as
17 commander. I was the new commander, and I was
18 just setting the tone for what I expected, what I
19 would accept and what I would not accept.
20 Q How did you get the impression that
21 things had been resolved under Gary French?
22 A Because no officers brought up anything
23 at the meeting when I asked all the black officers
24 to stay there.

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1 Q This is in the roll call?
 2 A Correct.
 3 Q Was this roll call meeting you had with
 4 the black officers before or after the American
 5 Legion or Park Plaza meetings?
 6 A It would have been after.
 7 Q After both of those meetings?
 8 A After I became the commander.
 9 Q And this meeting was precipitated by
 10 Scott Gillis wearing the Diallo T-shirt?
 11 A To be honest with you, I don't remember
 12 if -- it must have been. No, from my perspective,
 13 I would have done it anyway because of what had
 14 transpired, but I believe it was after the Scott
 15 Gillis incident, yes.
 16 Q Okay. The meeting with the black
 17 officers was right after the Scott Gillis
 18 incident, that same night?
 19 A No. What I'm saying is it was my intent
 20 to have that discussion with the minority officers
 21 anyways because of what had happened prior to me
 22 assuming command. What I don't remember is
 23 exactly when I had the meeting, whether it was
 24 before or after the Scott Gillis incident. I

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1 suspect it was after.
 2 Q And was the meeting after both the
 3 American Legion and the Park Plaza meetings?
 4 A Yes.
 5 Q And then how long after the meeting with
 6 the black officers did you have a separate meeting
 7 with the white officers?
 8 A It would have been that same night,
 9 explaining and apologizing why I separated the two
 10 groups.
 11 Q Did you apologize and explain to the
 12 black officers why you separated the two groups?
 13 A I did.
 14 Q Did you have the meeting with the white
 15 officers only right after the black officers only
 16 meeting, do you remember?
 17 A It would have been after, yes, to my
 18 best recollection.
 19 Q It was that same night sometime?
 20 A Correct.
 21 Q Where was it, in the guard room?
 22 A Correct.
 23 Q Were there any -- do you ever -- did you
 24 ever hear any complaints from anybody that only

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1 black wanted posters were on the -- black
 2 fugitives or suspects were on the wanted posters
 3 on the board in the Youth Violence Strike Force as
 4 opposed to whites?
 5 A I never heard a complaint. I heard a
 6 comment.
 7 Q What did you hear?
 8 A Just what you said.
 9 Q Who made the comment?
 10 A I have absolutely no idea.
 11 Q Did it come from Steve Horne or Ron
 12 Brown?
 13 A I don't recall.
 14 Q When did you hear it, if you know?
 15 A I don't recall.
 16 Q Do you remember doing anything about it?
 17 A Yeah, we searched, again, using the
 18 priority warrant practice we had in place -- I
 19 mean, the reality is, and I'll try to be somewhat
 20 diplomatic, that if you look at all the murder
 21 warrants that are outstanding, for whatever reason
 22 the majority of them are black individuals. So
 23 that's what would be up there.
 24 So we looked at the prioritization,

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1 the warrant list, to try to identify some white
 2 individuals who were wanted for very serious
 3 crimes to put their pictures up there as well. It
 4 was not an intentional, by any means, bulletin
 5 board.
 6 Q When you say it was not intentional by
 7 any means, on what basis do you say that?
 8 A I thought I just answered that.
 9 Unfortunately, most of the people in Boston who
 10 are wanted for murder, unfortunately, are black,
 11 so those are the pictures that were up there.
 12 Q Who made the effort to put some white
 13 -- strike that.
 14 Was an effort made then to put some
 15 white suspects on the board?
 16 A As we were aware of it, when I say we,
 17 collectively myself and the supervisors, we made
 18 an honest effort to try to get some white pictures
 19 up. To be quite honest with you, when visitors
 20 would come in, minority people, they would make
 21 the same observation, I'm sure. So once we were
 22 made aware that there was concern about that, we
 23 made an honest effort, and, again, collectively
 24 all supervisors, to put some white pictures up

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1 adamantly defended the Gang Unit, so I guess my
 2 answer would be I don't remember that.
 3 Q Do you remember Gerard Bailey, whether
 4 he was known as the grand wizard, people referred
 5 to him as the grand wizard in the Youth Violence
 6 Strike Force or that he referred to himself as
 7 such?
 8 A Who.
 9 Q Gerard Bailey, Officer Gerard Bailey?
 10 A First time I've ever heard that.
 11 Q Can you think of any officer for the two
 12 times you've been at the Youth Violence Strike
 13 Force, I believe you said you were there from '92
 14 to a period of time, you left, then came back, and
 15 was there sometime before 2000 and then --
 16 A I was there from 2002, 2006, four and a
 17 half years, then I went back again for about
 18 another four and a half years.
 19 Q Okay. I think you were there in 1992,
 20 right, initially for a period of time?
 21 A I'm sorry, 1992 to '96.
 22 Q Okay. And then you came back?
 23 A Came back for another four and a half
 24 years.

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1 Q And you were there the entire time Horne
 2 and Brown were there, correct, when you came back
 3 the second time?
 4 A No, they were there when I went there
 5 the second time.
 6 Q Okay. During the two tours that you've
 7 had with the Youth Violence Strike Force, can you
 8 remember any officer being transferred out
 9 because, similar to Steve Horne, they were not
 10 being communicative or weren't team players?
 11 MS. HARRIS: I'll object as having
 12 been asked and answered. Go ahead.
 13 A I think I already answered that I
 14 transferred a lot of officers out, including a lot
 15 of white officers, for all of the same reasons
 16 that Steve -- not all but some of the same reasons
 17 that Steve and Ron Brown were transferred out.
 18 Cellucci, Foundas, very uncommunicative. So there
 19 were many others, yes.
 20 Q Can you remember any others other than
 21 the ones you've testified to today?
 22 A If you provide me with a list of
 23 personnel that were there when I was there, I'll
 24 tell you exactly.

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1 Q Let me ask you this. Can you remember
 2 anyone that was transferred out because they had
 3 concerns about them making offduty arrests without
 4 backup from the Youth Violence Strike Force?
 5 A I don't think that's an accurate
 6 description. I think what I said was an unusual
 7 number of offduty arrests, period.
 8 Q Do you remember transferring anybody out
 9 in whole or in part because they made multiple
 10 offduty arrests without backup?
 11 A No, I do not.
 12 Q I'm going to show you Exhibit 46, and
 13 you can ignore the yellow stickers on it, those
 14 are just some of my notes, but I believe those are
 15 the --
 16 MS. HARRIS: May I flip him to the
 17 date where he began as the commander?
 18 MR. ROACH: Sure. Absolutely. And
 19 we don't need to repeat the ones we've already
 20 done.
 21 MS. HARRIS: When did you start,
 22 May?
 23 THE WITNESS: May, yeah. I'm not
 24 sure what date in May.

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1 Q For the record, I've now given you
 2 Exhibit 14, which contains the personnel orders
 3 for the Youth Violence Strike Force for the period
 4 of time Horne and Brown were there.
 5 MS. HARRIS: Yes.
 6 Q I'm sorry, it's Exhibit 46. I'm sorry,
 7 exhibit 46. And I'm asking you to review the
 8 transfer orders or the personnel orders and tell
 9 me which officers, if any, were transferred out
 10 for any of the same concerns you had about Steve
 11 Horne. Let's just start with Steve Horne for now.
 12 And as part of your answer, you can skip I believe
 13 the February 25th, 2000 order because we've
 14 already talked about those officers, which is part
 15 of Exhibit 48.
 16 A You only want me to talk about officers
 17 that I asked to be transferred, not ones who
 18 transferred for other reasons?
 19 Q My question is: I would like you to
 20 tell me which officers were transferred in whole
 21 or in part because, like Steve Horne, they were
 22 not communicative, were overly secretive, didn't
 23 share information, didn't fit within the team work,
 24 and/or made multiple offduty arrests without

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1 backup from the Youth Violence Strike Force.
 2 A Just to clarify the record, my concern
 3 was not making offduty arrests without backup. My
 4 concern was making so many offduty arrests,
 5 period.
 6 Q I understand. And I'd like you to point
 7 out those officers where you had either of those
 8 concerns who were transferred.
 9 (Pause.)
 10 A Larry Celester, a black officer, and
 11 actually an excellent police officer, but was told
 12 on numerous occasions that there was a place for
 13 joking and it wasn't at roll call.
 14 Q I believe you talked about Larry
 15 Celester earlier.
 16 A I did.
 17 Q Yeah.
 18 A So you want me to pass by?
 19 Q You can continue. You told him there
 20 was a place for joking and what else?
 21 A A black officer who I actually
 22 encouraged to go to the Gang Unit and very good
 23 officer, a very funny officer, but there's a time
 24 and a place for humor and it wasn't at roll call.

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1 He had been warned several times by me. He
 2 persisted in playing, if you will, at roll call
 3 and I transferred him.
 4 Q My question is: Did you have any
 5 concerns about him, as you did for Steve Horne,
 6 about him not being a team player, not sharing
 7 information, being secretive?
 8 A No.
 9 Q Okay. That was my question, not reasons
 10 anybody was transferred, but for that reason.
 11 What about --
 12 A Billy Cloran, a white officer.
 13 Q Let me finish with Celester. Did you
 14 have any concerns about him making multiple
 15 offduty arrests --
 16 A Negative.
 17 Q -- without backup?
 18 A Nope.
 19 Q Who else did you --
 20 A William Cloran.
 21 Q And this is on transfer order No. 1-104,
 22 which is March 23rd, 2001, the same one Horne and
 23 Brown are on, which we've also marked as
 24 Exhibit 50 --

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1 MS. HARRIS: Yeah.
 2 Q -- is that right?
 3 A Correct.
 4 Q Okay. Go ahead. Anyone else?
 5 A Billy Cloran -- I'm sorry -- William.
 6 Q Why was he transferred?
 7 A Not a team player, not very
 8 communicative with other officers, did not make
 9 any offduty arrests, however.
 10 Q Okay. And what page is he on?
 11 A He is on page 2 of order dated
 12 March 23rd, '01.
 13 Q Oh, sorry, I gave you the wrong exhibit.
 14 I said March 31 of 2000. I meant to give you --
 15 A March 23rd of 2001.
 16 Q That would have been Exhibit -- also
 17 Exhibit No. 5, not 50, correct, of Bulman?
 18 (Document exhibited to witness.)
 19 Q Is that right?
 20 A Correct.
 21 Q Okay. Okay. And is he a white officer?
 22 A He is.
 23 Q And why were you concerned about him not
 24 being communicative or a team player?

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1 A Officers didn't want to work with him,
 2 he contributed nothing to the unit as far as
 3 communicating with other officers, he just didn't
 4 fit. He, however, did not make any offduty
 5 arrests, so obviously that wasn't part of my
 6 decision-making process, but I just felt that he
 7 didn't fit in the Gang Unit.
 8 Q And was this the officer that was making
 9 cell phone calls that you testified about --
 10 A Correct, there was a complaint that he
 11 was always on the phone, correct.
 12 Q So he generally was not a very good
 13 officer, is that correct, he generally wasn't
 14 doing his job?
 15 A That would be correct.
 16 Q Anyone else?
 17 A John Foundas.
 18 Q And he's on -- also on Exhibit 5, right?
 19 A Correct.
 20 MS. HARRIS: Do you want him to go
 21 over the people he's already talked about?
 22 Q Have you already talked about John
 23 Foundas?
 24 A I think we did the last deposition,

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1 yeah.
 2 Q Was he not a team player?
 3 A I think we talked about -- we went in at
 4 length on John Foundas.
 5 Q I'll accept your testimony earlier on
 6 that.
 7 Anyone else?
 8 A Gary Ryan.
 9 Q He's also on Exhibit 5, right?
 10 A Correct.
 11 Q And I believe we talked about him?
 12 A We did, at length.
 13 Q Was he not a good police officer
 14 generally speaking?
 15 A He was a good police officer.
 16 Q And I believe there was an incident
 17 where he resisted some order; is that correct?
 18 A Negative.
 19 Q Why did he --
 20 A He was unhappy with a command decision I
 21 made and his -- which was quite obvious in his --
 22 as a result of that decision in his behavior and
 23 demeanor, which I felt was unacceptable.
 24 Q I want you to -- I'd like you to tell me

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1 about officers specifically who weren't team
 2 players, were secretive, and didn't share
 3 information or made --
 4 A No, you just asked me about Gary Ryan.
 5 I'm responding to you.
 6 Q Right. Was he somebody who was not a
 7 team player, not communicative --
 8 A After that incident he was not a team
 9 player, absolutely.
 10 Q And he didn't share information with
 11 people?
 12 A He basically did nothing.
 13 Q Okay. Anyone else?
 14 A No.
 15 Q All right. Is there anybody that wasn't
 16 part of what we've marked as Exhibit 46 that were
 17 there when you were there during '92 to '96 who
 18 were transferred for not being a team player or
 19 making multiple offduty arrests without --
 20 MS. HARRIS: Objection.
 21 A I'd have to look at the names that were
 22 there between '92 and '96.
 23 Q Okay. What about anybody after Steve
 24 Horne and Ron Brown left in March of 2001?

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1 A Again, I'd have to look. I don't recall
 2 offhand.
 3 Q Okay. Can you recall anybody either in
 4 Exhibit 5 or Exhibit 46 who were transferred for
 5 the additional reason I believe you said Ron Brown
 6 was transferred, which was 209A Orders or concerns
 7 about --
 8 A That was one of the reasons that I
 9 transferred Ron Brown, not the reason.
 10 Q I understand. You said that that was
 11 one of the reasons --
 12 A One of the things I looked at, correct.
 13 Q But you also were concerned about him
 14 making multiple offduty arrests without backup
 15 from the Youth Violence Strike Force?
 16 A No, you -- I'll correct you again. My
 17 concern was with multiple offduty arrests, period.
 18 Multiple offduty arrests, period. Now, taking
 19 each arrest individually, if you want to add that,
 20 but from perspective, it was making too many
 21 offduty arrests, it was a red flag, period.
 22 Q This was for Ron Brown?
 23 A For both Ron Brown and Steve Horne,
 24 correct.

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1 Q And what about -- okay. So this is my
 2 question. I just asked you about --
 3 A Well, don't misquote me. I don't mind
 4 responding to your questions but you're misquoting
 5 me. Okay?
 6 Q You're free to correct me any time you
 7 want, sir.
 8 A Fine.
 9 Q I'm not misquoting you, and if I do,
 10 it's certainly --
 11 A Well, I've corrected you three times and
 12 you keep insisting on going back to that original
 13 statement which I'm saying is not correct.
 14 Q Let's go to Exhibit 1. Let's go to
 15 Exhibit 1.
 16 MS. HARRIS: Steve, for the record
 17 at 5:00 we're out the door.
 18 MR. ROACH: Not if he's going to
 19 keep making speeches.
 20 THE WITNESS: No, at 5:00 I'm out
 21 the door. I'll come back, but I'm out the door at
 22 5:00.
 23 MS. HARRIS: He's not coming back.
 24 I'll correct you on that.

53 (Pages 467 to 470)

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1 Q Page 5, top of the page, Lieutenant
2 Foley also believed the complainants had
3 demonstrated poor judgment by making multiple
4 offduty arrests without backup from the Youth
5 Violence Strike Force. Did I read that correctly?

6 A And then I corrected you to saying that
7 that was not the decision-making factor. I
8 qualified it by saying making multiple offduty
9 arrests, period. One of the issues was some of
10 them with not sufficient backup.

11 Q But the major concern was the number?

12 A Correct, it was a red flag.

13 Q Fair enough.

14 A There we go.

15 Q I'm glad you corrected me. That's fine.

16 Now, in addition to the issues we
17 talked about with Steve Horne, multiple offduty
18 arrests, not being a team player, are there any
19 officers either in Exhibit 48, 5, or 46 that you
20 transferred in part because of domestic issues
21 similar to Ron Brown, 209A Orders or otherwise?

22 A In what years?

23 Q In the years that they were there from
24 1999 through March of 2001.

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1 A Not that I recall, no.

2 Q Can you recall anyone else at any time
3 you were at the Youth Violence Strike Force either
4 before or after the plaintiffs were there where
5 you transferred someone in part or in whole
6 because of any domestic issues similar to the
7 issues you've raised about Ron Brown?

8 A With another employee of the Gang Unit,
9 no.

10 Q What about in general with any domestic
11 issues?

12 A The issue with Ron Brown was the
13 domestic issues with a fellow employee of the Gang
14 Unit. It wasn't just the domestic violence issue.
15 It was having one with someone in the unit, which
16 made it very disruptive. No one else under my
17 command ever had an issue with an employee of the
18 Gang Unit, domestic violence issue with an
19 employee of the Gang Unit.

20 Q Was Ron Brown's issue a violence issue
21 with Marisa Henderson?

22 A What I said was disruptive, not violent.

23 MS. HARRIS: I'm going to object as
24 having been asked and answered.

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1 Q What about -- and I believe you
2 testified earlier, and, again, correct me if I'm
3 wrong, but I understood you to say that part of
4 the reason you transferred Ron Brown was because
5 he had some 209A Orders issued against him as
6 well?

7 A And then I corrected you by saying that
8 my overall assessment was on, quote, domestic
9 violence issues, which were the issues constantly
10 coming up with Marisa Henderson, who was my
11 secretary. So I had to make a choice between
12 Marisa or Ron Brown. My choice, my decision, and
13 I kept Marisa and transferred Ron Brown.

14 Q Okay. How long had Marisa been there?

15 A I have absolutely no idea without
16 looking at the records.

17 Q Okay. Okay. You were designated under
18 Exhibit 71, No. 22, about the reasons Ron Brown
19 was not transferred to the Drug Control Unit.

20 A I'm sorry, what are we looking at?

21 Q Exhibit 71, categories 22 and 23.

22 A Okay.

23 Q Do you see that?

24 A Okay.

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1 Q Can you tell me why Steve Horne's
2 request to be transferred to the Drug Control Unit
3 was not honored after he was transferred to area
4 D-6?

5 A I have absolutely no idea. It's not
6 within my administrative responsibilities or
7 command.

8 Q Well, on Exhibit 71 you were designated
9 as the city's representative on this issue.

10 A Correct.

11 Q So you don't -- is it your testimony
12 then you don't know why he wasn't transferred?

13 A I guess my answer would be because
14 someone else was selected.

15 Q Well, I understand that. That's
16 obvious, sir. I want to know, though, what the
17 decision making was and how it happened with
18 respect to Ron Brown with respect to this request?

19 A It's my understanding after talking to
20 Sergeant Murphy that Sergeant Murphy was never
21 aware that he wanted to go to the Drug Control
22 Unit. In fact, Sergeant Murphy told me that he
23 had bumped into or met, if you will, Ron Brown on
24 several occasions and not once did he ever mention